

STATEMENT OF BASIS

as required by LAC 33:IX.3109 for LPDES facilities where a fact sheet is not required under LAC 33:IX.3311, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0123528; AI 80784; PER20070001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

- I. **THE APPLICANT IS:** Waste Management of Louisiana, LLC
Chef Menteur C&D Landfill
434 Columbia Ave., Suite 2
Covington, LA 70433
- II. **PREPARED BY:** Angela Marse
- DATE PREPARED:** April 1, 2008
- III. **PERMIT ACTION:** LPDES permit LA0123528, AI 80784; PER20070001
- LPDES application received: February 22, 2007
Additional information submitted: February 28, 2008

IV. **FACILITY INFORMATION:**

- A. The application is for the discharge of landfill wastewater and non-contact stormwater from a closed construction and demolition debris landfill.
- B. The facility is located approximately 2 miles east of the intersection of I-510 and US Hwy 90 in New Orleans, Orleans Parish.
- C. Treatment will include retention, flocculation and recirculation if needed.
- D. Outfall 001

Discharge Location: Latitude 30° 3' 1" North
Longitude 89° 52' 45" West

Description: landfill wastewater and non-contact stormwater

Estimated flow: 0.483 MGD

Type of Flow Measurement which the facility is currently using: engineering calculation based on recorded pump run times and capacities

Outfall 101

Discharge Location: Latitude 30° 3' 1" North
Longitude 89° 52' 47" West

Description: landfill wastewater

Estimated flow: 0.483 MGD

Type of Flow Measurement which the facility is currently using: engineering calculation based on recorded pump run times and capacities

Outfall 102

Discharge Location: Latitude 30° 3' 2" North
Longitude 89° 52' 47" West

Description: non-contact stormwater

Estimated flow: 0.483 MGD

Type of Flow Measurement which the facility is currently using: engineering calculation

V. RECEIVING WATERS:

The discharge is into Maxent Lagoon, thence into the Intracoastal Waterway, thence into Lake Borgne in segment 041401 of the Lake Pontchartrain Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 041401 of the Lake Pontchartrain Basin are as indicated in the table below^{1/}:

Overall Degree of Support for Segment 041401	Degree of Support of Each Use						
	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Not supported	Not supported	Not supported	Not supported	N/A	N/A	N/A	N/A

^{1/}The designated uses and degree of support for Segment 041401 of the Lake Pontchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2004 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

Section 303 (d) of the Clean Water Act as amended by the Water Quality Act of 1987, and EPA's regulations at 40 CFR 130 require that each state identify those waters within its boundaries not meeting water quality standards. The Clean Water Act further requires states to implement plans to address impairments. LDEQ is developing Total Maximum Daily Loadings Studies (TMDLs) to address impaired waterbodies. Segment 041401 of the Lake Pontchartrain Basin is on the 2004 Integrated 303(d) List of Impaired Waterbodies. The suspected causes of impairment are pathogen indicators and organic enrichment/low dissolved oxygen. To date no TMDLs have been completed for this waterbody.

Until completion of the TMDLs for the Lake Pontchartrain Basin, suspected causes of impairment which are not directly attributed to construction and demolition debris landfills have been eliminated in the formulation of effluent limitations and other requirements of this permit. The pathogen indicators impairment is attributed to sanitary sewer overflows. Discharges from landfills are typically a result of rain events that cause overflow from detention ponds. They are intermittent discharges and usually

occur during rain events. Because the receiving waterbody is not at critical conditions, discharges are unlikely to contribute to low dissolved oxygen conditions. Therefore, it is not likely that this discharge will have any significant impact on the receiving stream that will cause or contribute to further impairment.

VI. ENDANGERED SPECIES:

The receiving waterbody, Subsegment 041401 of the Lake Pontchartrain Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered species or candidate species or their critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit modification and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation
Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Mrs. Angela Marse
Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:

Interim Effluent Limits:

These effluent limits shall be applicable from the effective date of the permit through the final closure period. Final closure includes application of final cover, vegetative cover, engineering certification, and inspection by the Department.

Chef Menteur C&D Landfill was authorized for the disposal of construction and demolition waste resulting from Hurricane Katrina in April, 2006. During the course of disposal operations, the Chef Landfill discharged both landfill wastewater and non-contact stormwater pursuant to authorization

provided under the Department's Amended Declarations of Emergency and Administrative Orders relating to Hurricane Katrina and managed all waters in accordance with the limitations provided in the aforementioned Orders.

The facility ceased accepting waste in August, 2006. Interim cover was placed on the entire disposal area on or about August 20, 2006. Upon issuance of a 404 permit from the Army Corp of Engineers and this LPDES permit, Waste Management intends to commence with final closure and post-closure activities at the site

Coverage under the LPDES permit will authorize the discharge of wastewaters accumulated since July 13, 2007. (After this date, the authorization to discharge water from C&Ds sites was not included in DEQ's Eleventh Amended Declaration of Emergency and Administrative Order or subsequent Orders.) The permit will also authorize the discharge of non-contact stormwater. This includes restoration of one stormwater outfall, application of final cover, and seeding to produce a vegetative cover over the former active portion of the landfill. Once completed, final closure activities will be certified by an engineer, inspected by the Department, and followed by a three year post-closure period.

Upon issuance, Waste Management would be authorized to discharge contact stormwater from the active cell and non-contact stormwater from the retention pond. Both types of wastewater would be discharged from outfall 001, but through different pumping systems. During final closure activities, each pumping system has been designated as an internal outfall. Internal outfall 101 is for the discharge of landfill wastewater and internal outfall 102 is for the discharge of non-contact stormwater. (Non-contact stormwater may not be combined with other wastestreams. Combining landfill wastewater with non-contact stormwater is considered dilution and prohibited by this permit.) Monitoring at outfall 001 would be required during post-closure.

OUTFALL 101

This outfall is for the designated pumping system discharging landfill wastewater from the previous active cell area.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
BOD ₅	37 mg/l	140 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.
TSS	27 mg/l	88 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.
TOC	---	50 mg/l	BPJ based on the Multi-Sector General Permit, Sector L.
Oil & grease	---	15 mg/l	BPJ based on the Multi-Sector General Permit, Sector L.
Total Recoverable Iron	---	1.0 mg/l	BPJ based on the Multi-Sector General Permit, Sector L.
Ammonia nitrogen	4.9 mg/l	10 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
Alpha Terpineol	0.016 mg/l	0.033mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.
Benzoic Acid	0.071 mg/l	0.12mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.
p-Cresol	0.014 mg/l	0.025 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.
Zinc	0.11 mg/l	0.2 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.
Phenol	0.015 mg/l	0.026 mg/l	Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category.

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD₅ and TSS in terms of concentration.

Other Effluent Limitations:

1) pH

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.)

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

Interim Effluent Limits:

OUTFALL 102

This outfall is from the designated pumping system discharging non-contact stormwater.

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
TOC	---	50 mg/l	BPJ based on Multi-Sector General Permit Sector L.
Oil & grease	---	15 mg/l	BPJ based on Multi-Sector General Permit Sector L.
Total Recoverable Iron	---	Report mg/l	BPJ based on Multi-Sector General Permit Sector L.
TSS	---	Report mg/l	BPJ based on Multi-Sector General Permit Sector L.

Other Effluent Limitations:

1) pH

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.)

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

Final Effluent Limits:

The following effluent limitations are applicable during post-closure (following engineering certification and inspection by the Department) through the expiration date of the permit.

OUTFALL 001

Effluent Characteristic	Monthly Avg.	Daily Max.	Basis
TOC	---	50 mg/l	BPJ based on Multi-Sector General Permit Sector L.
Oil & grease	---	15 mg/l	BPJ based on Multi-Sector General Permit Sector L.
Total Recoverable Iron	---	Report mg/l	BPJ based on Multi-Sector General Permit Sector L.
TSS	---	Report mg/l	BPJ based on Multi-Sector General Permit Sector L.

Other Effluent Limitations:

1) pH

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.)

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

X. PREVIOUS PERMITS:

LPDES Permit No. LA0123528: none issued

XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:

A) Inspections

A review of the files indicates the following inspections were performed during the period beginning May 15, 2006 and ending February 25, 2008 for this facility.

Date: February 25, 2008
Inspector: David Oge'

Summary of Findings:

1. There was no discharge at the time of the inspection.
2. According to facility representatives the impoundment with the C&D waste is approximately 20-25 feet deep.
3. There is approximately 2-3 feet of freeboard between the impoundment containing waste and the impoundment containing non-contact stormwater.

Date: September 24, 2007

Inspector: Jeffrey Leonick, Don Brandin, Angela Gagliano

Summary of Findings:

1. A water quality sampling event was conducted at the facility. Three sites were sample from the retention pond. Each site was sampled for TOC, TSS, BOD₅, ammonia, phenols, total metals (Zn, Cr, Ar, Pb), and dissolved metals (Zn, Cr, Ar, Pb).
2. **The facility was not discharging at the time of the inspection; samples were taken from three sites in the pond.**
3. The following parameters were not within Effluent Limitations and Monitoring Requirements

Location - Site #1 (Cell 1 Waste Pond)

Parameter	Effluent Limit	Lab Analysis
TOC	50 mg/l	53.8 mg/l

Location - Site #2 (West side of the South Settling Pond)

Parameter	Effluent Limit	Lab Analysis
TOC	50 mg/l	153 mg/l
TSS	88 mg/l	384 mg/l

Location - Site #3 (East side of the South Settling Pond)

Parameter	Effluent Limit	Lab Analysis
TOC	50 mg/l	196 mg/l
TSS	88 mg/l	136 mg/l

Date: May 15, 2006

Inspector: Dionne Magness, Daniel Odom

Summary of Findings:

1. A site visit was conducted and included representatives from Waste Management, the City of New Orleans engineering firm, Mary Queen of Vietnam Church, LSU, and a LEAN attorney.
2. Only the filled portion of the landfill was visited.
3. The following unauthorized waste were observed: empty coke/water bottles, 1 empty quart of motor oil, 1 aerosol can of Film Developer, 1 "Mary Kay" Moisturizer, 1 "C" cell battery, 1 empty spray bottle of White Rain hairspray.
4. This quantity of unauthorized wastes appears to be incidental. Photos/video was taken of these items by LEAN and Waste Management.
5. A small amount of water was pooled at the bottom of the waste slope.

B) Compliance and/or Administrative Orders

A review of the files indicates no enforcement actions administered against this facility.

C) DMR Review

A review of the discharge monitoring reports submitted from July, 2006 through December, 2007 as part of requirements under the Emergency Order did not reveal any violations of either contact stormwater or non-contact stormwater parameters. The facility has not discharged since July, 2007 when the Eleventh Amended Declaration of Emergency and Administrative Order was issued and did not include discharges of wastewater from C&D sites.

XII. ADDITIONAL INFORMATION:

PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2361.C.3, this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body. The LDEQ and USEPA will be conducting TMDLs in the Lake Pontchartrain Basin Segment 040701. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions as a result of the TMDL. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

STORMWATER POLLUTION PREVENTION PLAN

The requirements of Part II, Section B apply to stormwater discharges associated with industrial activity (landfill activities, SIC 4953) as defined at LAC 33:IX.2511.B.14.e and Sector L of the LDPES Multi-Sector General Permit. These requirements apply to point source stormwater discharges associated with landfills. Therefore, Chef Menteur C&D Landfill will also be required to develop a Stormwater Pollution Prevention Plan to be effective six months from the effective date of the permit.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of this type with the exception of outfall 101 for landfill wastewater. Because the wastewater has accumulated in the active cell, monitoring will be 1/discharge. If the discharge last more than 72 hours, the permittee shall initiate another sampling procedure.

XIII TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in this Statement of Basis.

XIV REFERENCES:

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Waste Management of Louisiana, LLC, Chef Menteur C&D Landfill, February 22, 2007.

LPDES Revised Permit Application to Discharge Wastewater, Waste Management of Louisiana, LLC, Chef Menteur C&D Landfill, February 29, 2007.